
A BILL FOR AN ACT

RELATING TO USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 286-118.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " [+] §286-118.5 [+] License revoked for operating a vehicle
4 under the influence of an intoxicant; eligibility for license
5 renewal. (a) Notwithstanding any other law to the contrary,
6 any person arrested for a violation of section 291E-61 or 291E-
7 61.5 after December 31, 2010, whose license is revoked pursuant
8 to this part or section 291E-61, and who otherwise qualifies for
9 a permit under section 291E-44.5 or 291E-61, may apply for a
10 renewal or reactivation of a driver's license as provided in
11 section 286-107 or 286-107.5 [~~+~~ provided] .

12 (b) A person may apply for relicensing under subsection
13 (a) provided that:

14 (1) The license renewal or reactivation shall be for the
15 sole purpose of obtaining or extending a permit issued
16 pursuant to section 291E-44.5 or 291E-61;

17 (2) No physical driver's license shall be issued to the
18 person; and



(3) The driver's license shall expire as provided in section 286-106 or upon the end of the revocation period, whichever occurs first.

(c) A holder of a valid ignition interlock permit may take any tests necessary to apply for relicensing no sooner than thirty days prior to expiration of the revocation period; provided that the driver's license shall not be issued until the completion of the revocation period."

SECTION 2. Section 291E-62, Hawaii Revised Statutes, is amended to read as follows:

"§291E-62 Operating a vehicle after license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant; penalties. (a) No person whose license and privilege to operate a vehicle have been revoked, suspended, or otherwise restricted pursuant to this section or to part III or section 291E-61 or 291E-61.5, or to part VII or part XIV of chapter 286 or section 200-81, 291-4, 291-4.4, 291-4.5, or 291-7 as those provisions were in effect on December 31, 2001, shall operate or assume actual physical control of any vehicle:



1 (1) In violation of any restrictions placed on the
2 person's license;

3 (2) While the person's license or privilege to operate a
4 vehicle remains suspended or revoked; [e~~x~~]

5 (3) Without installing an ignition interlock device
6 required by this chapter[-]; or

7 (4) With an ignition interlock permit unless the person
8 has the ignition interlock permit and a valid State of
9 Hawaii identification card in the person's immediate
10 possession.

11 (b) No person who has been issued a notice of
12 administrative revocation that serves as a temporary permit by a
13 law enforcement officer, pursuant to section 291E-33, shall
14 operate or assume actual physical control of any vehicle after
15 the expiration of the temporary permit unless that person has an
16 otherwise valid driver license. No person charged with
17 violating this section shall be convicted if the person produces
18 in court, or proves from the proper official or other records,
19 that the person was the holder of a valid driver's license at
20 the time of the offense.



1 [~~(b)~~] (c) Any person convicted of violating this section
2 shall be sentenced as follows without possibility of probation
3 or suspension of sentence:

4 (1) For a first offense, or any offense not preceded
5 within a five-year period by conviction for an offense
6 under this section, section 291E-66, or section 291-
7 4.5 as that section was in effect on December 31,
8 2001:

9 (A) A term of imprisonment of not less than three
10 consecutive days but not more than thirty days;

11 (B) A fine of not less than \$250 but not more than
12 \$1,000;

13 (C) Revocation of license and privilege to operate a
14 vehicle for an additional year; and

15 (D) Loss of the privilege to operate a vehicle
16 equipped with an ignition interlock device, if
17 applicable;

18 (2) For an offense that occurs within five years of a
19 prior conviction for an offense under this section,
20 section 291E-66, or section 291-4.5 as that section
21 was in effect on December 31, 2001:



1 (A) Thirty days imprisonment;

2 (B) A \$1,000 fine;

3 (C) Revocation of license and privilege to operate a
4 vehicle for an additional two years; and

5 (D) Loss of the privilege to operate a vehicle
6 equipped with an ignition interlock device, if
7 applicable; and

8 (3) For an offense that occurs within five years of two or
9 more prior convictions for offenses under this
10 section, section 291E-66, or section 291-4.5 as that
11 section was in effect on December 31, 2001, or any
12 combination thereof:

13 (A) One year imprisonment;

14 (B) A \$2,000 fine;

15 (C) Permanent revocation of the person's license and
16 privilege to operate a vehicle; and

17 (D) Loss of the privilege to operate a vehicle
18 equipped with an ignition interlock device, if
19 applicable.

20 ~~[(e)]~~ (d) The applicable period of revocation in
21 subsection ~~[(b)]~~ (c) shall commence upon the release of the



1 person from the period of imprisonment imposed pursuant to this
2 section."

3 SECTION 3. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on January 7, 2059.



Report Title:

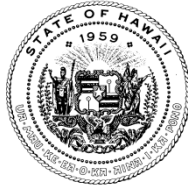
Operating a Vehicle; License; Ignition Interlock Permit

Description:

Allows an ignition interlock permit holder to take necessary tests to apply for relicensing during the final 30 days of the revocation period. Prohibits operating a vehicle with an ignition interlock permit without a state identification card. Prohibits operating a vehicle once a notice of administrative revocation that serves as a temporary permit has expired unless the driver has a valid driver's license. Effective 01/07/2059.
(SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.





STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

March 23, 2015
11:00 a.m.
State Capitol, Room 309

S.B. 611, S.D. 1
RELATING TO USE OF INTOXICANTS WHILE OPERATING A VEHICLE

House Committee on Transportation

The Department of Transportation (DOT) **supports** S.B. 611, S.D. 1, relating to the use of intoxicants while operating a vehicle. This bill will allow an ignition interlock permit (IIP) holder to take the necessary tests when applying for relicensing 30 days prior to the revocation period. It prohibits the operation of a vehicle with an IIP without a state identification card and once a notice of administrative records has expired unless the driver has a valid driver's license.

To expedite the reissue of the driver's license once the revocation period has expired, the DOT supports the courtesy to the holder of the IIP as the relicensing process has been taking a longer time due to the volume of driver license testing. The DOT also believes that the current IIP (a printed paper document) is not sufficient to identify the identity of the person on it. Issuing an authentic document will help law enforcement identify the holder of the IIP as the operator of the vehicle by possessing this supporting document.

The DOT urges your support in passing S.B. 611, S.D. 1, as it will assist the driver in the relicensing process and law enforcement to verify the holder of the IIP.

Thank you for the opportunity to provide testimony.

Justin F. Kollar
Prosecuting Attorney

Kevin K. Takata
First Deputy



Rebecca A. Vogt
Second Deputy

Diana Gausepohl-White
Victim/Witness Program Director

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Victim/Witness Program 808-241-1898 or 800-668-5734

**TESTIMONY IN STRONG SUPPORT OF
SB611, SD1 – RELATING TO USE OF INTOXICANTS WHILE OPERATING A
VEHICLE**

Justin F. Kollar, Prosecuting Attorney
County of Kaua'i

House Committee on Transportation
March 23, 2015, 11:00 a.m., Conference Room 309

Chair Nishihara, Vice Chair Harimoto, and Members of the Committee:

The County of Kaua'i, Office of the Prosecuting Attorney, STRONGLY SUPPORTS SB611, SD1 – Relating to Use of Intoxicants While Operating a Vehicle. The Bill addresses various loopholes within the existing statutes pertaining to the IIP and Driver License issuing statutes.

Under existing law, a driver whose license expires prior to the end of a revocation period cannot take steps to relicense until after the license expires, which results in various unintended consequences. More importantly, this Bill provides that a motorist operating a vehicle with an IIP will have to have a valid State-issued photo ID. The current IIP does not bear sufficient indicia to ensure that its holder and the person operating the vehicle are actually the same person.

Accordingly, we are in STRONG SUPPORT of SB611. We request that your Committee PASS the Bill.

Thank you for the opportunity to testify on this matter.



Mothers Against Drunk Driving HAWAII
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March 23, 2015

To: Representative Henry Aquino, Chair — House Committee on Transportation; Rep. Matthew LoPresti, Vice Chair, and members of the Committee

From: Arkie Koehl/Carol McNamee—Co-chairmen, Public Policy Committee - MADD Hawaii

Re: Senate Bill 611 SD1 – Relating to Use of Intoxicants while Operating a Vehicle

I am Arkie Koehl, offering testimony on behalf of the Hawaii Chapter of Mothers Against Drunk Driving in support of Senate Bill 611 SD1. This measure amends provisions in the statutes relating to the use of an Ignition Interlock device and the permit which enables drivers to legally drive an ignition interlock equipped vehicle on Hawaii roads.

This bill covers three issues:

The statutes (HRS 291 E 45, 291 E 61) state that a person whose license has been revoked for OVUII is eligible to reapply for a driver's license at the end of the official revocation period if he or she has complied with various requirements. However, at least in Honolulu County, there seems to be a long waiting period before a person can actually take the necessary written and road test to be considered for a new license. This wait period can be weeks or even months. Meanwhile, although a compliant person's license no longer remains revoked during the waiting period and he or she may or may not have uninstalled the ignition interlock device, the person does not have a physical license to drive. The ignition interlock permit expires the day the revocation ends. This results in an unexpected period of time when the person has done everything right but still cannot legally drive until he or she receives the regular legal drivers licensee.

SB 611 would allow a person with a valid interlock permit and an installed interlock device to take required tests to apply for a new license 30 days (or less) before the end of the revocation period so that the new license can be issued much closer to the actual termination of the revocation period. The person would then have a valid driver's license much closer to the date the ignition interlock permit automatically expires. This ability to apply for a license a month earlier for interlock users would more than likely help encourage drivers to keep the interlock installed in their vehicles for the full revocation period rather than uninstalling the device early. MADD believes it is important for interlock users keep the device on their vehicle for the full time period. We suspect that the individuals uninstalling the interlock are the riskier revoked drivers.

The second issue included in SB 611 relates to enforcement of the requirement for using an interlock device by all individuals who wish to legally drive after their license has been revoked for OVUII. Enforcement has been difficult because the current Ignition Interlock permit is a plain piece of unlaminated paper that does not include any photo to identify the holder of the permit. This situation creates several problems for police including reducing their capability for arresting those who may be violating provisions of the interlock law...such as driving a non-interlocked vehicle.

To increase the ability of law enforcement to correctly identify a person presenting an interlock permit, this bill would require a driver to have a Hawaii State ID card in the vehicle along with an Ignition Interlock permit whenever the person is operating a vehicle.

The third issue relates to a person receiving “notice” that his or her driver’s license is officially revoked after an arrest for OVUII. After that official date, the arrested person cannot legally drive a vehicle on Hawaii roads unless the vehicle is interlock-equipped.

National statistics indicate that 50 to 75% of people whose license has been revoked will choose to chance driving anyway, without a valid license. They may reduce their time on the road, but nonetheless, they are driving illegally and posing a risk to innocent people on our roads and highways.

When apprehended by law enforcement, some of these individuals driving illegally and facing arrest for 291 E62 (*Operating a vehicle after license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant*) are professing that they did not know their temporary permit (issued for 30 days for those driving under the influence of alcohol or 45 days for those driving under the influence of other drugs) was not still valid. They say they had no knowledge that they were no longer able to drive legally. (*To clarify, this permit is different from the Ignition Interlock permit.*)

SB 611 would make it clear that the “NOTICE OF ADMINISTRATIVE REVOCATION” (NOAR), given to the “respondent” at the time of arrest, serves as legal notice since it clearly states the number of days for which the temporary permit is valid. This clarification will aid law enforcement officers with their ability to arrest drivers who are illegally on our roads after their licenses have been revoked for OVUII.

MADD believes that all three provisions of this bill are important to improve the efficiency and effectiveness of our current OVUII statutes which will ultimately reduce alcohol related crashes. We encourage the committee to pass SB611 SD1. Thank you for this opportunity to testify.